

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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|---|---|---------------------------|
| JAMIE MICCIO, |) | |
| |) | |
| Plaintiff |) | ANSWER TO CROSS-CLAIM |
| |) | Case No.: 16-cv-6140- EAW |
| v. |) | |
| |) | |
| CONAGRA FOODS, INC. and/or |) | |
| SIMONIZ USA, INC. and/or EPIC INDUSTRIES, |) | |
| INC. and/or KECK'S FOOD SERVICE, INC. |) | January 12, 2017 |
| |) | |
| Defendants. |) | |

**CONAGRA FOODS, INC.'S ANSWER TO
THIRD-PARTY DEFENDANTS EPIC HOLDING COMPANY, INC. AND AMERICAN
ACQUISITION PARTNERS, LLC'S CROSS-CLAIMS**

Defendant ConAgra Foods, Inc. (“ConAgra”) states its Answer and Affirmative Defenses to third-party defendants Epic Holding Company, Inc.’s (“Epic”) and American Acquisition Partners, LLC’s (“American”) December 22, 2016 Cross-Claims, as follows:

CROSS-CLAIM AGAINST ALL CO-DEFENDANTS

1. ConAgra denies the allegations of the Cross-Claims in their entirety.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Epic’s and American’s Cross-Claim fails to state a claim against ConAgra upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

ConAgra has insufficient knowledge or information upon which to form a belief as to whether it may have additional, as yet unstated defenses available to it. ConAgra reserves the right to include additional affirmative defenses as discovery proceeds in this case.

DEFENDANT, CONAGRA FOODS, INC.,

By: /s/Todd R. Michaelis (TM6839)
Todd R Michaelis (TM6839)
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CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all appearing parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the court's CM/ECF system.

/s/ Todd R. Michaelis (TM6839)

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